Passed: 8-0

# ORDINANCE 94-49

## TO AMEND THE BLOOMINGTON ZONING MAPS FROM RE AND RE/PUD TO RS/PUD AND FROM RE TO BL/PCD, AND TO GRANT OUTLINE PLAN APPROVAL
**Re: 3800 N. Prow Rd.**
**(Lee Marchant, Petitioner)**

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, BL/PCD/RS/PUD-62-94 and recommended that the petitioner, Lee Marchant, be granted an amendment to the Bloomington zoning maps, a PCD and PUD designation, and outline plan approval and request that the Common Council consider his petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4, the zoning for a parcel of property located at 3800 N. Prow Road be changed from RE to BL with a PCD designation. That property is further described as follows:

> A part of the East half of the Northwest Quarter of Section 20, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:
>
> Beginning at the Northwest corner of said half quarter section and in Acuff and Prow Road intersection, thence EAST 540 feet; thence SOUTH 484 feet; thence WEST 540 feet; thence NORTH 484 feet and to the point of beginning, except therefrom 30 feet of right-of-way along Prow and Acuff Roads. Said parcel after the right-of-way exception contains 5.3 acres, more or less.

SECTION II. Through the authority of IC 36-7-4, the zoning for an adjacent parcel of property located at 3800 N. Prow Road be changed from RE and RE with a PUD designation to RS with a PUD designation. That property is further described as follows:

> A part of the East half of the Northwest Quarter of Section 20, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:
>
> Beginning at the Northeast corner of said East half; thence WEST 790 feet; thence SOUTH 1074 feet; thence WEST 540 feet and to the centerline of Prow Road; thence SOUTH with the centerline of Prow Road 880 feet; thence EAST 570 feet to the east right-of-way of the High School Road; thence North and East along the west and north right-of-way of the High School Road approximately 840 feet to the centerline of Kinser Pike; thence NORTH along the center line of Kinser Pike 1800 feet to the point of beginning, containing 43.3 acres, more or less.

SECTION III. Through the authority of IC 36-7-4 and pursuant to Chapter 20.14 of the Bloomington Municipal Code, that an outline plan be approved.

SECTION IV. The Outline Plan shall be attached and made a part of this ordinance.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of December, 1994.

JIM SHERMAN, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of December, 1994.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 9th day of December, 1994.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 48.6 acres located at 3800 N. Prow Rd from RE and RE/PUD to RS/PUD (43.3 acres) and BL/PCD (5.3 acres). It also approves an outline plan for these planned unit developments.

Signed copies to:
Planning
Petitioner - c/o SMITH NEIGHBORHOOD

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-49 is a true and complete copy of Plan Commission Case Number BL/PCD/RS/PUD-62-94 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 31, 1994.

Date: November 1, 1994

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

Type of Legislation:

| | | |
|---|---|---|
| Appropriation | End of Program | Penal Ordinance |
| Budget Transfer | New Program | Grant Approval |
| Salary Change | Bonding | Administrative Change |
| Zoning Change | Investments | Short-Term Borrowing |
| New Fees | Annexation | Other_____ |

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

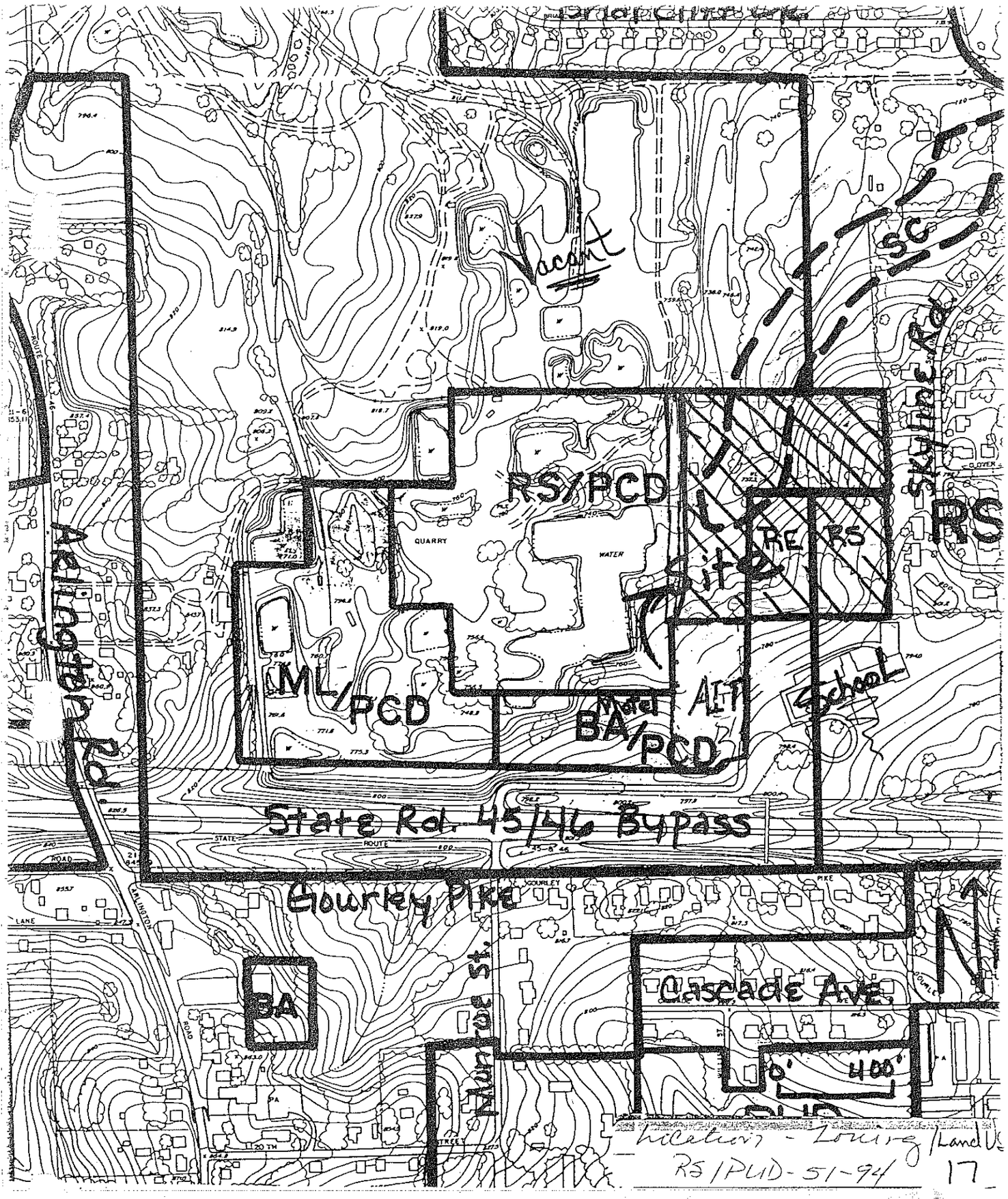
| | | |
|---|---|---|
| Fund(s) Affected | | |
| Fund Balance as of January 1 | $ | $ |
| Revenue to Date | | |
| Revenue Expected for Rest of year | | |
| Appropriations to Date | | |
| Unappropriated Balance | | |
| Effect of Proposed Legislation (+/-) | | |
| Projected Balance | $ | $ |

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No_____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

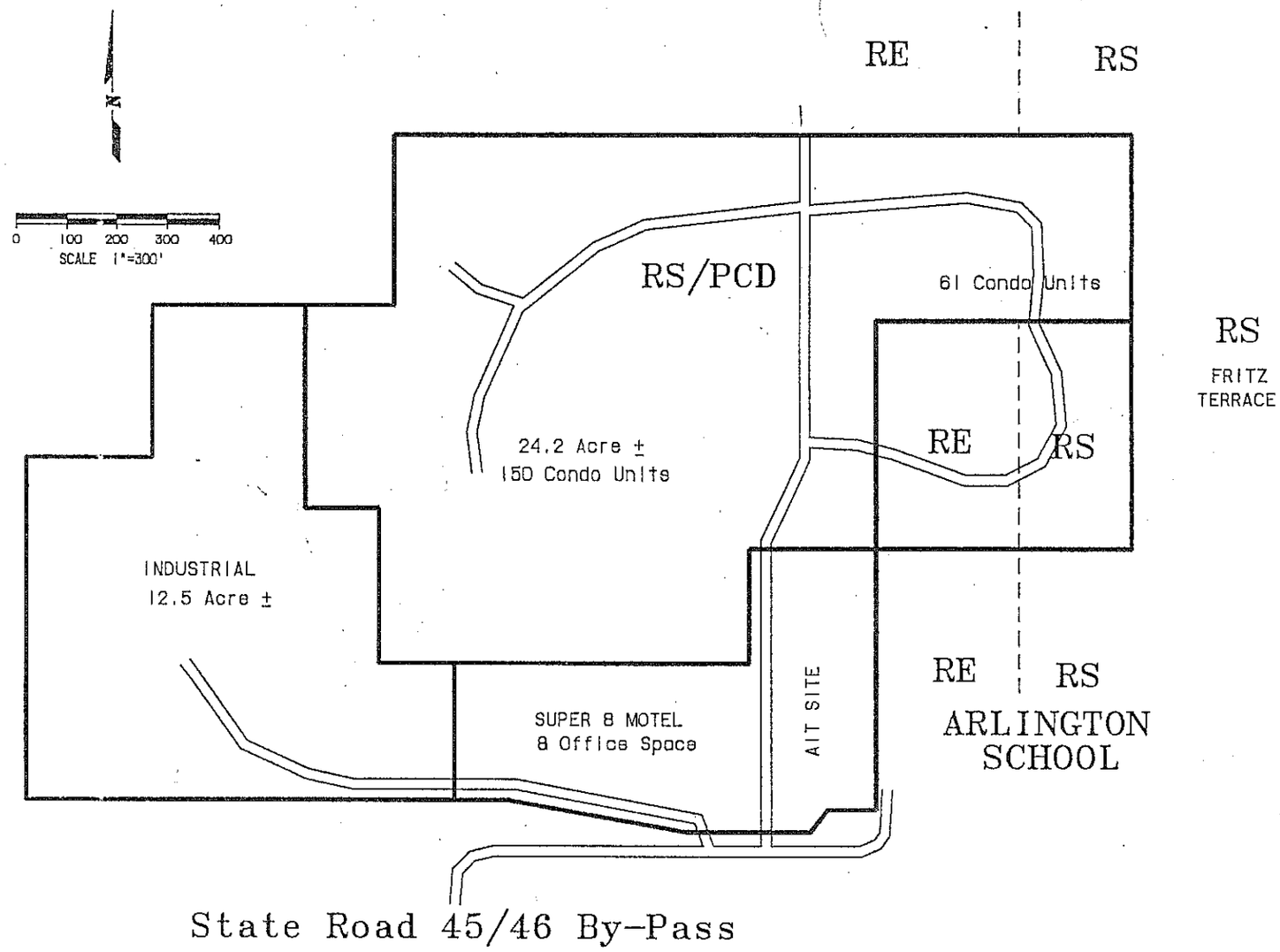
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)




Location - Zoning/Land Use

RS/PUD-51-94

# STONE LAKE DEVELOPMENT
# CONCEPTUAL PLAN




Conceptual Plan
RS/PUD-51-94
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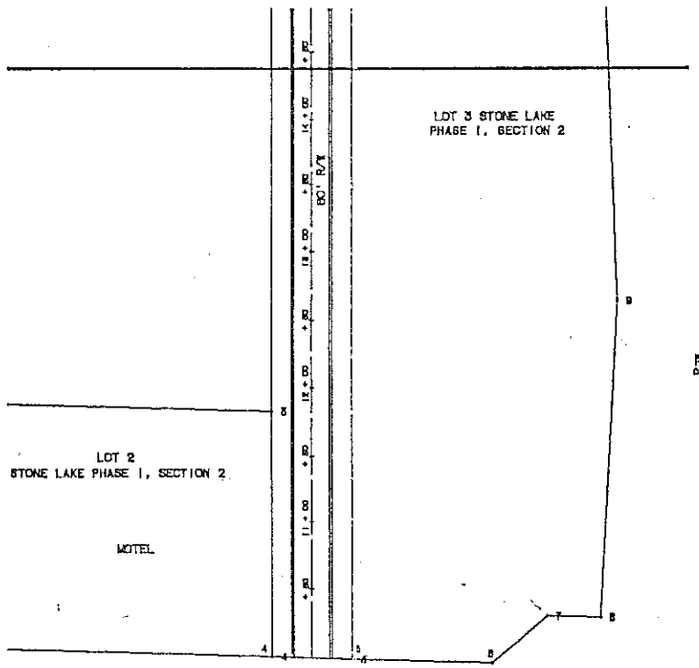
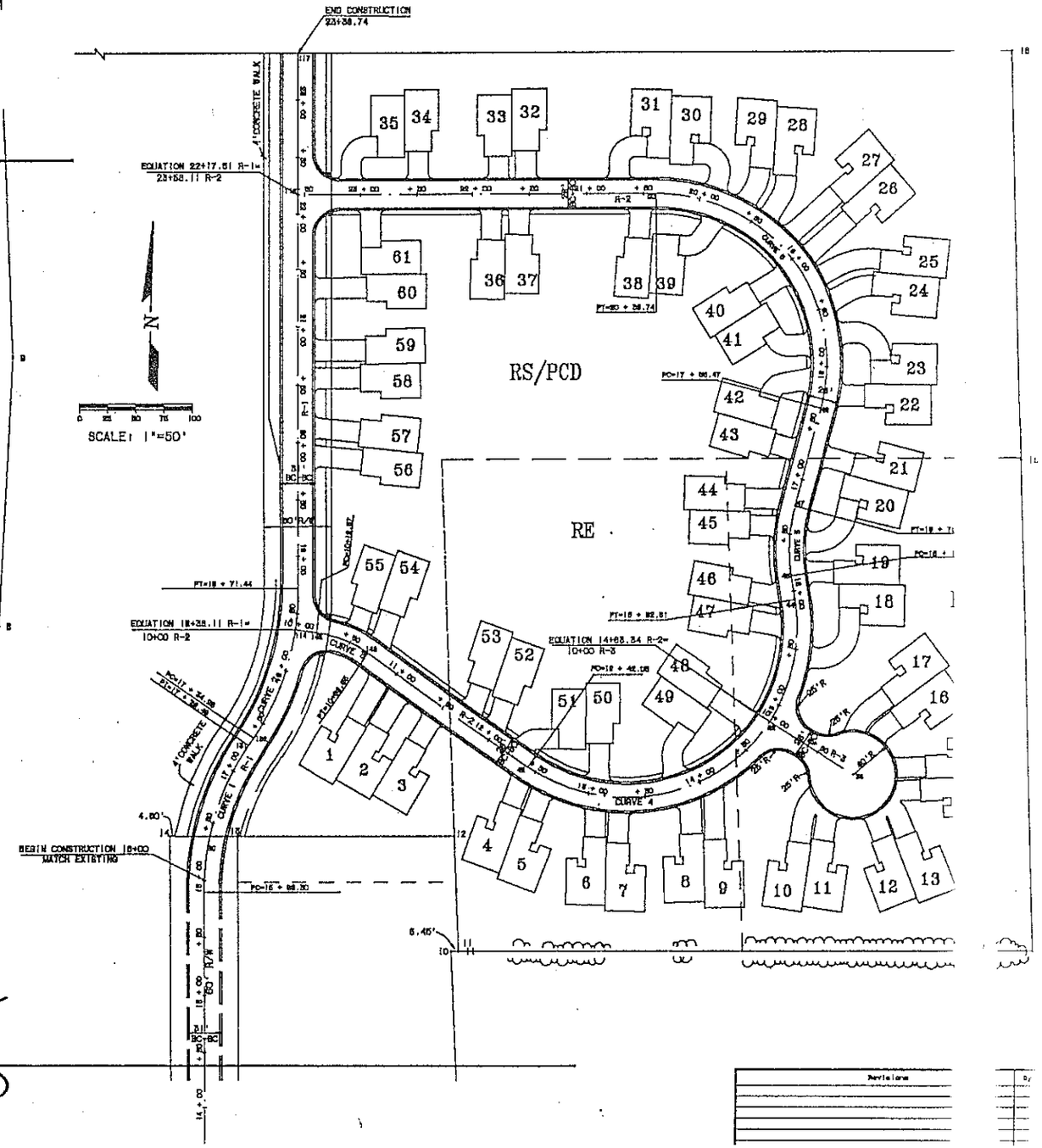
# TONE LAKE DEVELOPMENT

## BLOOMINGTON, INDIANA




LEGEND

| | EXISTING | PROPOSED | DETAIL |
|---|---|---|---|
| CURB | | | 1 |
| WALK | | | 2 |
| HANDICAP RAMP | | | 3 |
| COORD. 6 | | +84 | |

GENERAL NOTES:

1.) SPECIFICATION & DETAIL PACKET IS A PART OF THIS PLAN SET.
2.) CONTRACTOR TO VERIFY ALL EXISTING UTILITY & ROADWAY LOCATIONS (HORIZONTAL & VERTICAL) PRIOR TO CONSTRUCTION.

CURVE DATA TABLE

| # | RADIUS | LENGTH | DELTA | CHORD DIST. | TANGENT |
|---|---|---|---|---|---|
| CURVE 1 | 230.00' | 137.16' | 34°10'23" | 135.16' | 70.70' |
| CURVE 2 | 230.00' | 137.16' | 34°10'23" | 135.16 | 70.70' |
| CURVE 3 | 100.00' | 49.06' | 28°06'33" | 48.57 | 25.03' |
| CURVE 4 | 160.00' | 350.46' | 133°52'25" | 287.02' | 352.30' |
| CURVE 5 | 160.00' | 62.08' | 23°42'46" | 61.64' | 31.49' |
| CURVE 6 | 160.00' | 276.27' | 105°08'43" | 238.24' | 196.00' |

Site Plan
RS/PCD 51-94

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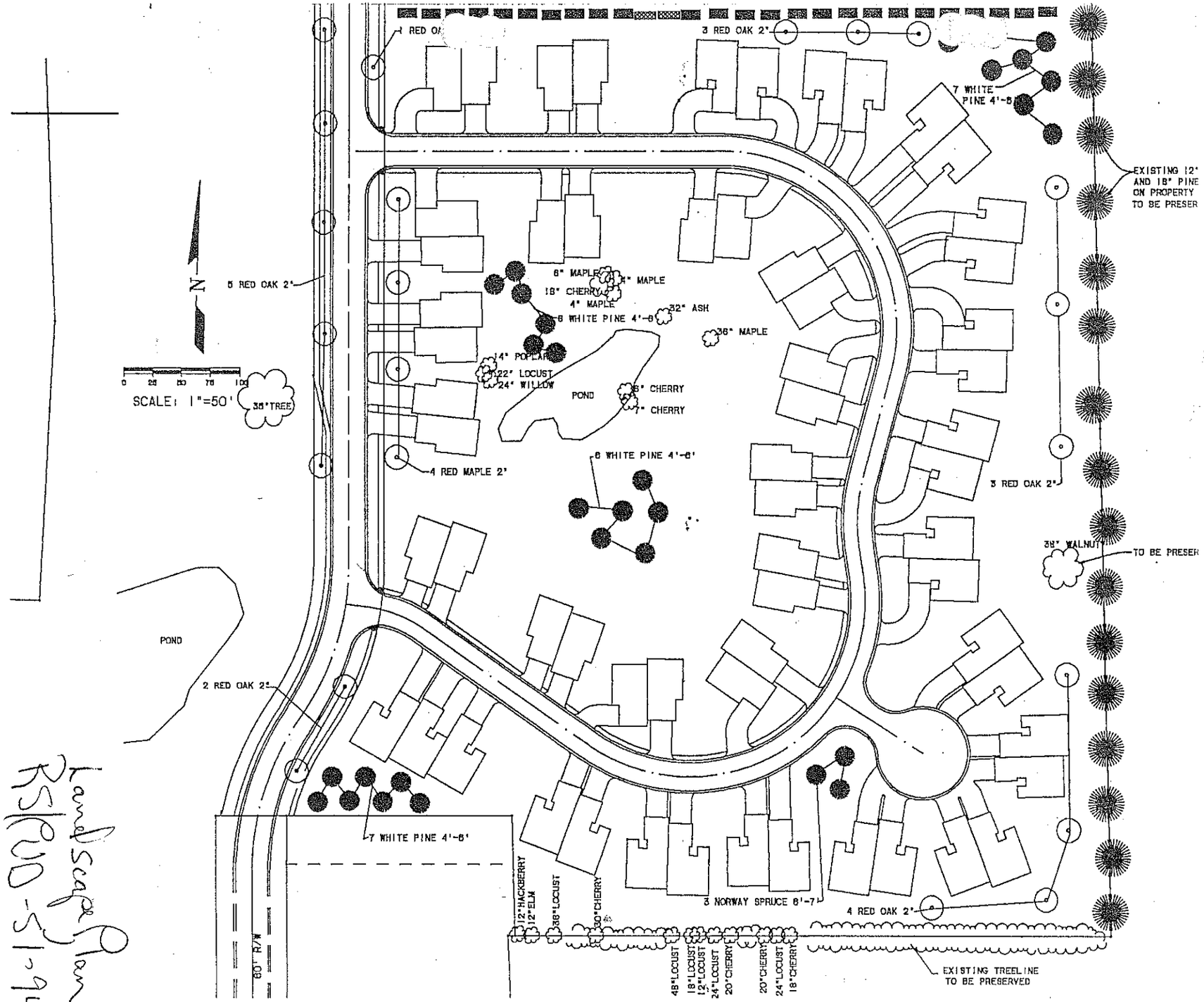


Landscape Plan
RS/PUD-51-94

**MEMO**

| | |
|---|---|
| To: | Common Council |
| From: | Planning Department |
| Petitioner: | Robert Shaw, Stone Lake Development Corp. |
| Case No.: | RS/PUD-51-94 |
| Location: | 900 W. S.R. 45 Bypass |
| Date: | September 20, 1994 |

On September 19, 1994 the Bloomington Plan Commission approved a rezone and outline plan of 2.5 acres of RE and 2.5 acres of RS land to RS/PUD. An adjacent portion of the site containing 6.83 acres received rezone and outline plan approval in 1987. This land was approved for a maximum of 6 units per acre. This proposal for 61 condominium units is a density of 5.2 units per acre. Development plan approval for the entire 11.83 acres was also requested and approved.

The 11.83 acres is located directly north of Arlington School and the new AIT building. The existing land has been graded for the AIT building site. There are no buildings on the site currently.

The homes will be one and two story and have attached garages. The homes are duplexes with one triplex. There is ample off street parking. The homes will have two or three bedrooms. Occupancy will be held to the RS standards.

Right-of-way of 60′ will be dedicated for the through street. The road will be constructed 31′ back to back of the curbs and to city standards. The loop street and the cul-de-sac will remain private, but also will be constructed to city standards 28′ back to back of the curbs. Sidewalks will be constructed on both sides of the through street and on one side of the interior loop street.

There is a shallow pond in the center of the development. Several trees in this area and scattered throughout the 11.83 acres will be preserved. The natural buffer to the south and east will be retained. Additional buffering will be placed to the east. Trees to be preserved around the pond area must be fenced during construction of the units. Please see the site plan. Street trees will be placed on both sides of the loop street and on the east side of the through street. The thirty ft. buffer will be landscaped.

The Growth Policies Plan designates this area "low density residential". This classification calls for densities to six units per acre. This proposal is in compliance with the plan.

RS/PUD-51-94

Robert Shaw
900 W. S.R. 45/46 Bypass
Request for rezone of five acres from RE and RS to RS/PUD, outline plan approval for the entire 11.83 acre parcel, and development plan approval for a 61 unit condominium project on the 11.83 acres.

Conditions of approval:

1. The 30' buffer area must be landscaped to staff satisfaction (covering the east boundary).

2. Drainage and grading to the Engineering Department's satisfaction.

3. Rezone approval of the five acres for this project as a whole must be approved by the Bloomington Common Council.

4. Restore the pond and protect trees beyond the dripline with the phase as noted by the Environmental Commission.

5. Waiver of second hearing.

BLOOMINGTON PLAN COMMISSION CASE NO.: RS/PUD-51-94
PRELIMINARY REPORT DATE: Sept. 19, 1994
Location: 900 West State Road 45/46/ Bypass

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PETITIONER: Name : Robert Shaw
Address: 1616 W. 3rd St.

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COUNSEL: Name : Bledsoe Tapp & Assoc., Inc.
Address: 359 Landmark Ave.

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PRELIMINARY HEARING DATE: Sept. 19, 1994
FINAL HEARING DATE: Oct. 10, 1994

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REQUEST: The petitioner is requesting rezone and outline plan approval of 2.5 acres of RE and 2.5 acres of RS land to RS/PUD. An adjacent portion of the site containing 6.83 acres received rezone and outline plan approval in 1987. This land was approved for a maximum of 6 units per acre. This proposal for 61 condominium units is a density of 5.2 units per acre. Development plan approval for the entire 11.83 acres is also requested.

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EXISTING USE AND DESCRIPTION: The existing land has been graded for the AIT building site. There are no buildings on the site.

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PROPOSED USE AND DESCRIPTION: This petition would allow 61 condominium homes to be placed on 11.83 acres at a density of 5.2 units per acre. The homes will be single story and have attached garages. The homes are duplexes with one triplex. There is ample off street parking. The homes will have two or three bedrooms. Occupancy will be held to the RS standards.

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ISSUES:
R.O.W. Dedication: Right-of-way of 60' will be dedicated for the through street. The road will be constructed 31' back to back of the curbs.

Access: The loop street and the cul-de-sac will remain private, but will be constructed to city standards 28' back to back of the curbs.

Utilities: City sewer and water will be brought to the site as well as electricity.

Drainage: The drainage is being reviewed by the Engineering Department.

Tree Preservation: There is a shallow pond in the center of the development. Several trees in this area and scattered throughout the 11.83 acres will be preserved. The natural buffer to the

south and east will be retained. Additional buffering will be placed to the east. Trees to be preserved around the pond area must be fenced during construction of the units. Please see the site plan.

Landscaping: Street trees will be placed on both sides of the loop street and on the east side of the through street. The thirty ft. buffer will be landscaped.

Architectural Compatibility: These homes will be one story with attached garages. The homes will be attached in pairs with the exception of one triplex. All drives will access onto the loop street and cul-de-sac. The homes will be vinyl sided and have shingled roofs.

Sidewalks: Sidewalks will be constructed on both sides of the through street and on one side of the interior loop street.

Plan Compliance: The Growth Policies Plan designates this area "low density residential". This classification calls for densities to six units per acre. This proposal is in compliance with the plan.

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RECOMMENDATION: Staff recommends a second hearing on October 10, 1994, unless the Commission is satisfied with this proposal.

Conditions of approval:

1) The 30' buffer area must be landscaped to staff satisfaction.

2) Drainage and grading to the Engineering Department's satisfaction.

3) Rezone approval of 5 acres for this project as a whole must be approved by the Bloomington Common Council.

September 19, 1994

To: Tim Mueller

From: T. Micuda, K. Komisarcik, G. Heise,
M. Wedekind, P. Werner

Subj: RS/PUD-51-94 Robert Shaw (Stone Lake) 900 W. S.R. 45/46 Bypass

**Site Description** - The site is relatively flat, sloping gradually from the southeast to northwest. It is framed by tall pines along the east, a scrub tree line with some cherries and locusts along the Arlington School site, and a dense, scrub hardwood forest to the north. There is also a patch of dense scrub and a few specimen trees surrounding an area that periodically ponds and is always saturated. The site has been graded under an approved grading permit.

**Tree Preservation** - The perimeter tree lines on the site will not be disturbed with construction. A 38 inch walnut tree on the eastcentral portion of the property should also not be affected by construction. We are in agreement with the specimen trees spotted by the petitioners surrounding the pond area. Typically, the Environmental Commission recommends that ponds with vegetative buffering be preserved in their natural state. However, this area has already been used as a sediment pond for grading operations on the property. Cleaning the pond, removing some scrub vegetation, and providing additional landscaping will upgrade the current condition of the area. Trees in the pond area spotted by the petitioners for preservation should be protected with fencing at or beyond the drip line during construction.

**Landscaping** - Street trees along the through street and loop street are required as is additional evergreen buffering along the subdivision to the east. The petitioner is supplementing this landscaping with a combination of evergreens and deciduous trees on the interior of the site. This plan is satisfactory.

**Erosion Control** - We have no issues with the site's erosion control plan.

**Drainage** - We have no issues with drainage on the site.

cc. Rod Young

Bledsoe Tapp & Co. Inc.

-Quality Land Surveying and Design Services-

BEN E. BLEDSOE, L.S.

Bloomington, IN 47404
(812)336-8277
(812)384-1114
FAX: (812)336-0817

July 27, 1994

**Lynne Friedmeyer**
**City of Bloomington Planning Commission**
**220 E. Third St.**
**P.O. Box 100**
**Bloomington, IN 47402-0100**

RE: Stone Lake 61 Unit Condominium Project

**Dear Lynne:**

On behalf of the Petitioner, Robert Shaw, we respectfully request RS/PUD designation on five acres that is currently zoned RE and RS, approximately 2.5 acres in each zone. We are also requesting Development Plan approval on 11.83 acres for a 61-unit condominium project.

The 11.83 acres is comprised of 6.83 acres zoned RS/PCD (6 units/acre residential) and the 5 acres which we are requesting RS/PUD designation. The density shown on the proposed development plan reflects an overall density of 5.2 units/acre.

The 61 units will be developed for use as condominiums.

Each unit will have garages and room for off-street parking. Parking will be stacked and a variance is being requested to accommodate this concept.

Infrastructure for the project is proposed as follows: The main North-South roadway along the West side of the units will have a 60' dedicated right-of-way, 31' back curb-back curb roads and sidewalks along both sides. The roadway internal to the project will be considered common area and have 28' back curb-back curb roadways with sidewalk constructed along one side only.

The project will be serviced by City of Bloomington Utilities (sewer and water).

A comprehensive stormwater management and erosion control plan is being developed that will accommodate stormwater management for this and future phases of development of the Stone Lake project.

Enclosed with this application are the following:

*Site Plan and Landscape Plan*
*Drainage Calcs*
*Overall Plan with zone designation of adjoiners*
*Location map*
*Application fee*

We are requesting to be put on the August 29, 1994 agenda.

Proof of notification to adjoiners and legal notice will be forwarded.

Please call if you require any further information.

Sincerely,

Philip O. Tapp, L.S.
Bledsoe Tapp & Co., Inc.

cc: Bob Shaw
0316 Management file